

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 567

Case No. 87-33

February 8, 1988

(Map Amendment @ 13th & Upshur Streets, N.W.)

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 19, 1988. At that hearing session, the Zoning Commission considered its own initiative to amend the District of Columbia Zoning Map, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with 11 DCMR 3022.

### FINDINGS OF FACT

1. On November 16, 1987, at its regular monthly meeting, the Zoning Commission considered hearing action for Case No. 87-32 (Map Amendment from R-4 to R-5-B @ 1300 block of Upshur Street, N.W.) Subsequent to authorizing a public hearing for Case No. 87-32, the Zoning Commission initiated action to consider a map amendment from R-4 to R-5-B for property owned by the Government of the District of Columbia that is contiguous to the property in Case No. 87-32.
2. The subject site in the case that was initiated by the Zoning Commission, that is Case No. 87-33, is that portion of former lot 1 in Square 2820 that does not include the property that is the subject of Case No. 87-32.
3. The subject site in this case is located at the northwest corner of the intersection of Thirteenth and Upshur Streets, N.W., and comprises approximately 109,192 square feet of land area.
4. There is no known plan to develop the site at this time.
5. The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached, and row single-family dwelling and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and a maximum height limit of three stories/forty feet. Conversions of existing buildings

to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

6. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.
7. The District of Columbia Generalized Land Use Element Map of the Comprehensive Plan for the National Capital depicts the subject site "moderate and medium residential", and "park, recreation and open space - public and institutional" land use categories.
8. The existing zoning pattern in the area of the subject site includes R-4 zoning in all directions, immediate and distant, except to the distant southeast of the site is C-M-1 zoning.
9. Existing land uses in the area of the subject site include the C. Melvin Sharpe Health School and Anna Burdick Vocational High School to the north; Roosevelt Senior High School, McFarland Junior High School, and the Petworth Public Library to the east; some one-to-three story structures including office, printing, book binding, storage, plant and auto sales, and auto body repair to the southeast; Powell Elementary School and seven row dwellings fronting on Upshur Street to the south; and the Roosevelt Recreation Center play ground and ball field to the west.
10. The District of Columbia Office of Planning (OP), by memorandum dated January 6, 1988 and by testimony presented at the public hearing, recommended that the case be approved. OP indicated that the Comprehensive Plan Residential Policies Map include the subject site in a "Housing Opportunity Area".
11. The District of Columbia Department of Public Works (DPW), by memorandum dated January 11, 1988, concluded that development of the site under R-5-B zoning would have minimal impact on the level of service of the adjacent intersections. DPW indicated that under R-5-B development, 109 on-site parking spaces would be required, if developed with multi-family housing.
12. The District of Columbia Office on Aging (OOA), by memorandum dated December 17, 1987, urged the Zoning Commission to look forwardly upon the case.
13. The District of Columbia Office of Business and Economic Development (OBED), by memorandum dated December 28, 1987, has no objections to the case.

14. The District of Columbia Metropolitan Police Department (MPD), by letter dated December 20, 1987, is not opposed to development of the site.
15. The District of Columbia Public Schools (DCPS), by memorandum received on January 15, 1988, indicated that the rezoning would have no direct impact on the operations or facilities of the public schools.
16. Advisory Neighborhood Commission (ANC) 4C, by letter dated January 11, 1988 supports the case but has no specific issues and concerns regarding the case.
17. There were no persons in opposition to Case No. 87-33, at the hearing nor on record.
18. The Zoning Commission concurs with the recommendations and position of OP, DPW, OOA, OBED, MPD, DCPS, and ANC-4C and believes that rezoning to R-5-B in association with the companion Case No. 87-32 is appropriate. The Commission finds that its action will provide the opportunity to further the objectives of the Housing Opportunity Areas.
19. The Zoning Commission finds that the proposed amendment to the Zoning Map is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.
20. The Commission finds that the criteria of Chapters 1 and 30 of DCMR, Title 11, Zoning, has been satisfied.
21. The proposed decision to approve R-5-B rezoning was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganizational Act. NCPC, by report dated February 5, 1988, found that the proposed zoning map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Zoning to R-5-B as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Zoning to R-5-B will promote orderly development in conformity with the entirety of the District of

Columbia zone plan as set forth in the Zoning Regulations and Map of the District of Columbia.

3. Zoning to R-5-B will not have an adverse impact on the surrounding neighborhood.
4. Zoning to R-5-B is appropriate for the site.
5. Zoning to R-5-B would not be inconsistent with the Comprehensive Plan for the National Capital.
6. The Zoning Commission has accorded ANC-4C the "great weight" to which it is entitled.

DECISION


In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for District of Columbia hereby orders APPROVAL of the following amendment to the District of Columbia Zoning Map.

Change from R-4 to R-5-B that portion of former lot 1 in Square 2820, that is located at the northwest corner of 13th and Upshur Streets, N.W. and shown on Exhibit No. 18 in the record of this case, and that does not include the property that is the subject of Case No. 87-32.

Vote of the Commission taken at the conclusion of the public hearing on January 19, 1988: 4-0 (Patricia N. Mathews, Elliott Carrol, John G. Parsons, and Lindsley Williams to approve R-5-B rezoning - Maybelle T. Bennett, not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on February 8, 1988, by a vote of 4-0: (Patricia N. Mathews, John G. Parsons, Lindsley Williams and Elliott Carroll, to adopt - Maybelle T. Bennett, not voting not having participated in the case).

In accordance with 11 DCMR, Section 3028, this order is final and effective upon publication in the D.C. Register; that is on 19 FEB 1988.



LINDSLEY WILLIAMS  
Chairman  
Zoning Commission



EDWARD L. CURRY  
Executive Director  
Zoning Secretariat